

REMARKS/ARGUMENTS

The Applicant originally submitted Claims 1-19 in the application. In previous amendments, the Applicant amended Claims 1, 2, 6 and 14 and added Claim 20. In the present response, the Applicant has amended independent Claim 14. The Applicant has not added or canceled any claims in the present response. Accordingly, Claims 1-20 are currently pending in the application.

I. Rejection of Claims 1-5 under 35 U.S.C. §103

The Examiner rejected Claims 1-5 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,635,088 to Hind, *et al.* in view of U.S. Patent No. 6,763,499 to Friedman, *et al.* The Applicant respectfully disagrees since the cited combination does not teach or suggest a method of processing a received message at a receiving device as recited in independent Claim 1. More specifically, the cited combination fails to render obvious analyzing at least one tag of a received message expressed in a non-negotiated language to determine if the receiving device can process the message.

Hind relates to reducing the size of documents employing compression techniques. (*See* column 1, lines 8-12.) As recognized by the Examiner, Hind does not teach or suggest analyzing at least one tag of a received message expressed in a non-negotiated language to determine if the receiving device can process the message. To cure this deficiency, the Examiner cites Friedman and refers to column 14, lines 10-40, thereof. (*See* Examiner's Action, page 3.)

Friedman relates to parsing Extensible Markup Language (XML) data streams to reduce memory overhead and increase the speed with which XML data can be provided and used by a client.

(See column 1, lines 8-9, and column 4, lines 3-7.) Friedman discloses using start tags and close tags associated with a namespace hierarchy of the XML data streams. (See column 4, lines 21-33, and column 14, lines 10-40.) When a close tag is encountered during processing of the XML data streams, "close tag processing" occurs. (See column 14, lines 13-37, and Figure 11.)

Thus, in Friedman, tags are used when processing an XML data stream. However, the tags in Friedman are not analyzed to determine if a receiving device can process a message. Instead, the close tag is used as a trigger to initiate a type of processing ("close tag processing"). Friedman provides no teaching or suggestion of determining if the data stream can be processed based on analyzing the tags but teaches using tags to indicate when to begin a designated type of processing. Friedman does not even appear to be concerned with if the XML data stream can be processed but how to process the XML data stream faster while using less memory (see column 4, lines 3-7). In other words, Friedman does not use the tags associated with an XML data stream to determine if a receiving device is capable of processing the XML data stream but uses the tags to trigger a certain type of processing of the XML data stream. As such, Friedman fails to teach or suggest that for which it has been cited and does not cure the noted deficiency of Hind.

The cited combination of Hind and Friedman, therefore, does not teach or suggest each element of independent Claim 1 and Claims dependent thereon. Thus, the cited combination fails to provide a *prima facie* case of obviousness of independent Claim 1 and dependent Claims 2-5. The Applicant, therefore, respectfully requests the Examiner to withdraw the §103(a) rejection of Claims 1-5 and allow issuance thereof.

II. Rejection of Claims 6-20 under 35 U.S.C. §103

The Examiner has rejected Claims 6-20 under 35 U.S.C. §103(a) as being unpatentable over Hind in view of U.S. Patent No. 6,738,803 to Dodrill, *et al.* The Applicant respectfully disagrees as argued below and in view of amended independent Claim 14.

The Examiner recognizes that Hind does not teach or suggest receiving a message without employing a fixed protocol. To cure this deficiency, the Examiner cites Dodrill and refers to column 3, lines 9-19. (*See* Examiner's Action, page 4.)

Dodrill, however, relates to web browser control of audio operations for voice enabled web applications within a framework including hypertext transport protocol (HTTP). (*See* column 1, lines 14-17.) More specifically, as discussed in column 3, lines 9-19, Dodrill discloses employing a *protocol* (HTTP) to access an HTML web page regardless of the configuration of the client. As such, Dodrill teaches using protocols when communicating between clients and servers. (*See*, for example, the Abstract.) Accordingly, Dodrill does not teach receiving a message "without employing a protocol" as asserted by the Examiner.

Dodrill, therefore, does not teach each element for which it has been cited and does not cure the noted deficiencies of Hind. The cited combination of Hind and Dodrill, therefore, does not teach or suggest each and every element of independent Claim 6 and independent Claim 14 in view of the present amendment. Accordingly, the cited combination of Hind and Dodrill does not provide a *prima facie* case of obviousness of independent Claims 6 and 14 and Claims dependent thereon. The Applicant, therefore, respectfully requests the Examiner to withdraw the §103(a) rejection of Claims 6-20 and allow issuance thereof.


III. Conclusion

In view of the foregoing amendment and remarks, the Applicant now sees all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicits a Notice of Allowance for Claims 1-20.

The Applicant requests the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

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